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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,493	06/24/2003	Jeffrey Robert Perry	50019.222US01/PO5531	3527
23552	7590	06/22/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			KIK, PHALLAKA	
			ART UNIT	PAPER NUMBER
			2825	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/603,493

Applicant(s)

PERRY ET AL.

Examiner

Phallaka Kik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner. *draftsperson*
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action responds to the Application filed on 6/24/2003. Claims 1-22 are pending.

#### ***Drawings***

2. The drawings filed on 6/24/2003 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

#### ***Specification***

3. The disclosure is objected to because of the following informalities:

"FIGURE 8 is an example" (page 2, line 15) should be --FIGURE 8A and 8B are examples-- to describe the corresponding the drawing figures.

"FIGURE 10 illustrates" (page 2, line 19) should be --FIGURE 10A and 10B illustrate-- to describe the corresponding the drawing figures.

"FIGURE 11 illustrates" (page 2, line 20) should be --FIGURE 11A and 11B illustrate-- to describe the corresponding the drawing figures.

"FIGURES 23A-23E" (page 3, line 7) should be --FIGURES 23A-23F-- to describe the corresponding the drawing figures.

"FIGURES 25A-25D" (page 3, line 9) should be --FIGURES 25A-25E-- to describe the corresponding the drawing figures.

Appropriate correction is required.

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4. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: the numerous mis-references to drawing figures as cited above (i.e., due to the drawings having more figures than accounted for in the specification), which appear in elsewhere in the specification render the specification difficult to follow, with respect to the drawings (for example, pages 14-16, incorrect occurrences of "FIGURE 8" and "FIGURE 10" make it difficult to decipher whether the description refers to both respective FIGURES 8A, 8B, 10A, 10B or combinations thereof).

5. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because there would be numerous corrections to properly reference the correct drawing figures, as indicated above.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying

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clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

### ***Claim Objections***

6. **Claims 1-22** are objected to because of the following informalities:

As per **claim 1**, "the Internet" (line 1) should be --an Internet-- for proper antecedent basis; "and" (line 4) should be deleted for proper grammar.

As per **claim 4**, "may be" (line 1) should be --is-- to clearly identify that which is being claimed.

As per **claim 10**, "may be" (line 2) should be --is-- to clearly identify that which is being claimed.

As per **claims 2-10**, the claims are also objected to for incorporating the above errors into the respective claims by claim dependency.

As per **claim 11**, "the Internet" (line 2) should be --an Internet-- for proper antecedent basis; "within the web page; and" (line 6) should be --in the schematic within the web page;-- for further clarification, proper grammar; "within the web page" (line 7) should be --in the schematic within the web page-- for further clarification and to provide for proper antecedent basis for "the modified schematic" (line 8).

As per **claim 13**, "may be" (line 1) should be --is-- to clearly identify that which is being claimed.

As per **claim 14**, "Claim 14" should be --Claim 13-- to be similar to claim 5, since the claim cannot depend on itself; "within" (line 2) should be --in-- to be consistent with

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the suggested changes in claim 11 above. For examination purposes, claim 14 is assumed to depend from claim 13.

As per **claims 12-15**, the claims are also objected to for incorporating the above errors into the respective claims by claim dependency.

As per **claim 16**, "within the web page; and" (line 8) should be --in the schematic within the web page;-- for further clarification, proper grammar; "within the web page" (line 9) should be --in the schematic within the web page-- for further clarification and to provide for proper antecedent basis for "the modified schematic" (line 10).

As per **claim 19**, "within" (line 1) should be --in-- to be consistent with the suggested changes in claim 16.

As per **claim 21**, "may be" (line 2) should be --is-- to clearly identify what is being claimed.

As per **claims 17-21**, the claims are also objected to for incorporating the above errors into the respective claims by claim dependency.

As per **claim 22**, "the Internet" (line 1) should be --an Internet-- for proper antecedent basis; "within the web page; and" (line 4) should be --in the schematic within the web page;-- for further clarification, proper grammar; "within the web page" (line 5) should be --in the schematic within the web page-- for further clarification and to provide for proper antecedent basis for "the modified schematic" (line 6).

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-7,9-22** are rejected under 35 U.S.C. 102(e) as being anticipated by **McDonald et al.** (US Patent No. 6,530,065).

As per **claims 1,11,16,22**, the steps/schematic modification device/means for displaying, choosing or selecting the component, modifying the component and analyzing the modified component (i.e., using the simulation tool) are described in col. 8, lines 49-64, 28-38, which is being implemented on the client and server (i.e., client browser which part of the Internet as described in col. 5, line 34 to col. 6, line 41; Fig. 1B), wherein establishing a connection between a client and a server is part of the internet protocol as further described in col. 20, line 60 to col. 21, line 19, including being performed on the web pages (col. 8, lines 1-3); wherein modulate data signal embodied in a carrier wave, representing computer executable instructions, client network connection device, server network connection device are part of the Internet/Web based system described in col. 19, line 40 to col. 20, line 67, being necessary to carry out the Internet/Web based implemented method.

As per **claims 2,12,17**, all of the elements of claims 1,11,16, from which the claims respectively depend, are discussed in the rejection of claims 1,11,16 above, wherein the use of block symbols to represent at least a portion of the schematic is illustrated in Fig. 3A (see col. 11, lines 1-55).

As per **claim 3**, all of the elements of claim 1, from which the claim depends, are discussed in the rejection of claim 1 above, wherein the choosing of the component involving palette choices to the user is part of the applet which controls how information are to be displayed with respect to the user interactions (see col. 8, lines 58-64; col. 8, line 65 to col. 9, line 34; col. 11, lines 20-37).

As per **claims 4-7,13-14,18-19**, all of the elements of claims 1,3,12,16, from which the respective claims depend, are discussed in the rejection of claims 1,3,12,16 above, wherein the selection from wire component, electrical component, simulation component and a block are further described in col. 9, lines 1-33 and col. 10, lines 23-35, as part of the various components displayable and selectable by the user, including all necessary locations for the various components (col. 5, line 60 to col. 6, line 9), scaling and/or panning and/or scanning (i.e., auto scale--col. 12, lines 44-51, or zooming--col. 34, line 61 to col. 35, line 6).

As per **claims 9-10,15,20-21**, all of the elements of claims 4,11,16, from which the respective claims depend, are discussed in the rejection of claims 4,11,16 above, wherein the generation of the netlist in response to the modification of the schematic is further described in col. 7, line 52 to col. 8, line 19, wherein the ".tpf file" which contains the netlist is automatically updated whenever the schematic changes, including



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generating connectivity list (i.e. simulation netlist) used to generate a simulation (col. 9, lines 46-62).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over **McDonald et al.** (US Patent No. 6,530,065) in view of **Schmidt et al.** (US Patent No. 6,904,571).

As per **claim 8, McDonald et al.** disclose all of the elements of claim 4, from which the claim depends, as discussed in the rejection of claim 4 above, including the

means for providing the grid for displaying the waveforms (see Fig. 5A). However, **McDonald et al.** failed to specifically teach providing the grid to aid placement of the component within the schematic. **Schmidt et al.** teach the providing the grid to help user (i.e., engineer) interactive placement of the circuit as part of the schematic editor being implemented in the networking environment (i.e., the internet) (col. 4, line 61 to col. 5, line 3; col. 12, lines 46-65). It would have been obvious to one of ordinary skilled in the art at the time of the invention to further incorporate providing the grid as taught by **Schmidt et al.** into the system/method of **McDonald et al.** because such incorporation would help the user to place the desired circuit at the desired location as taught by **Schmidt et al.** for which the system/method of **McDonald et al.** have the means to support.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Therefore, Applicant is herein requested to consider them carefully in response to this Office Action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phallaka Kik whose telephone number is 571-272-1895. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

**or faxed to:**

703-872-9318 (for Before-Final) and 703-872-9319 (for After-Final) for formal communications intended for entry,

**Or:**

(571) 273-1895 (for informal or draft communications, please label

"PROPOSED" or "DRAFT" and let the examiner know prior to

faxing).



Phallaka Kik  
US Patent Examiner  
June 11, 2005